

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM REGULAR PLANNING BOARD MEETING

March 16, 2023

ACTION SHEET

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the February 16, 2023 Minutes
- B. Approval of the February 23, 2023 Minutes.

*The Board voted to **approve** both sets of minutes.*

Motion: B. Moreau, Second K. Conard. The motion passed with all in favor.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. **REQUEST TO POSTPONE** The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129) **REQUEST TO POSTPONE**

*The Board voted to **postpone** to the April meeting.*

Motion: B. Moreau, Second K. Conard. The motion passed with all in favor.

SITE PLAN REVIEW

- A. The request of **Lucky Thirteen Properties LLC (Owner)**, for property located at **147 Congress Street** requesting Site Plan review approval for a 700 square foot addition, front and rear canopies and associated offsite and onsite improvements. Said property is

shown on Assessor Map 126 Lot 4 and lies within the Character District 5 (CD5) and Historic District. (LU-22-192)

- B.** The request of **Lucky Thirteen Properties LLC (Owner)**, for property located at **361 Islington Street** requesting Site Plan review approval for the redevelopment of the existing structure including a 695 square foot addition and a 73 square foot addition with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management. Said property is shown on Assessor Map 144 Lot 23 and lies within the Character District 4-L2 (CD-4-L2) and Historic District. (LU-22-195)

The Board voted to determine that Items A and B are complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections IV of the agenda) and to accept the applications for consideration.

Motion B. Moreau, Second K. Conard. The motion passed with all in favor.

- C. REQUEST TO POSTPONE** The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129) **REQUEST TO POSTPONE**

*The Board voted to **postpone** to the April meeting.*

Motion: B. Moreau, Second K. Conard. The motion passed with all in favor.

III. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. WITHDRAWN** The request of **Liberty Mutual Insurance Co. (Owner)**, for property located at **225 Borthwick Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes shoreline stabilization work for two existing ponds on site with erosion impacts. This project proposes stabilizing the slopes with an extensive native vegetation planting plan which will occur along the slope and enhance the vegetated buffer. Said property is shown on Assessor Map 240 Lot 1 and lies within the Office Research (OR) District. **WITHDRAWN** (LU-22-212)

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of **Lucky Thirteen Properties LLC (Owner)**, for property located at **147 Congress Street** requesting Site Plan review approval for a 700 square foot addition, front and rear canopies and associated offsite and onsite improvements. Said property is shown on Assessor Map 126 Lot 4 and lies within the Character District 5 (CD5) and Historic District. (LU-22-192)

1)The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.

Motion: C. Clark, Second B. Moreau. The motion passed with all in favor.

*2.) The Board voted to **grant** Site Plan Approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 2.3) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.4) Applicant will work with the Building Department to appropriately size and locate the grease trap.*
- 2.5) DPW is to observe and approve that sewer and stormwater systems are separated properly.*
- 2.6) An excavation permit will be needed for the construction of the sidewalk.*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.7) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*

Motion: C. Clark, Second B. Moreau. The motion passed with all in favor.

- B. The request of **Lucky Thirteen Properties LLC (Owner)**, for property located at **361 Islington Street** requesting Site Plan review approval for the redevelopment of the existing structure including a 695 square foot addition and a 73 square foot addition with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management. A Conditional Use Permit approval in accordance with section 10.1112.14 of the Zoning Ordinance to allow twelve (12) parking spaces where 22 are required and a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as

an accessory use. Said property is shown on Assessor Map 144 Lot 23 and lies within the Character District 4-L2 (CD-4-L2) and Historic District. (LU-22-195)

1) *The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.*

Motion: C. Clark, Second J. Almeida. The motion passed 7-1 with Member Begala voting against and Member Hewitt recused.

2.) *The Board voted to **grant** Site Plan Approval with the following **conditions**:*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments, which includes possible soil contamination for review and approval.*
- 2.3) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.4) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
- 2.5) *Update plan set to adjust curb behind the building per revised sketch dated 3/8/23.*
- 2.6) *Relabel the "Lounge" area on the plan to "canopy area".*
- 2.7) *Ensure all outdoor lighting is turned off 30 minutes after closing.*

Motion: C. Clark, Second B. Moreau. The motion passed 7-1 with Member Begala voting against and Member Hewitt recused.

Parking Conditional Use Permit

1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as presented.*

Motion: C. Clark, Second B. Moreau. The motion passed 6-2 with Members Begala and Harris voting against and Member Hewitt recused.

2) *The Board voted to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to **grant** the conditional use permit with the following condition:*

2.1) *The applicant will work with the Planning Department to review the possible use of the moped spaces as a parking space during the off season.*

Motion: C. Clark, Second B. Moreau. Motion passed 6-2 with members Begala and Harris voting against and Member Hewitt recused.

Outdoor Dining Conditional Use Permit

1)The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented.

Motion: C. Clark, Second B. Moreau. The motion passed with all in favor.

*2)The Board voted to **approve** the conditional use permit as presented with the following **condition**:
2.1) The outdoor use shall not extend beyond 8 pm.*

C. REQUEST TO POSTPONE The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129) **REQUEST TO POSTPONE**

D. REQUEST TO POSTPONE The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129) **REQUEST TO POSTPONE**

*The Board voted to **postpone** to the April meeting.*

Motion: B. Moreau, Second K. Conard. The motion passed with all in favor.

V. CITY COUNCIL REFERRALS

None.

VI. OTHER BUSINESS

A. 668 Middle Street – 1 year Extension Request

*The Board voted to **grant** a 1-year extension for the site plan approval.*

Motion: B. Moreau, Second C. Clark. The motion passed with all in favor.

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B. Chairman Updates and Discussion Items

No action taken by the Board.

C. Planning Board Rules and Procedures

No action taken by the Board.

D. Board Discussion of Regulatory Amendments, Master Plan & Other Matters

No action taken by the Board.

VII. ADJOURNMENT

The meeting was adjourned at 10:00 pm.